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SPEECH

UPON THE SUBJECT OF

THE NORTHEASTERN BOUNDARY,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 7 AND 8, 1838.

BY MR. EVANS,

One of the Representatives from Maine.

WASHINGTON:

PRINTED BY GALES AND SEATON.

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NOTE.

On the 15th day of December, Mr. EVANS gave notice that he should move for leave to introduce a bill to provide for the demarcation of the northeastern boundary line of the United States, on the first day when the States should be called for resolutions, at which time alone it would be in order, by the rules of the House, to submit such a motion. The States not having been called, no opportunity was afforded of bringing forward the bill indicated; but, on the 29th of January, a message was received from the President, transmitting certain documents respecting the imprisonment of Mr. Greely; which was postponed, and ordered to be printed. On the 7th February, Mr. EVANS asked for its consideration, and it being taken up, he said he should move to refer it to the Committee on Foreign Affairs, and at the same time he wished for leave to introduce the bill of which he had formerly given notice, that it might also be referred to the same committee. Objection being made by Mr. CAMBRELENG, he then moved to commit the message, with instructions to report the bill; and upon that motion commenced the remarks which he made. Before, however, he closed, the objection was withdrawn, and he had leave to introduce the bill, which received a first and second reading, and he moved its reference to the Committee on Foreign Affairs. The bill is as follows:

A BILL to provide for surveying the northeastern boundary line of the United States, according to the provisions of the treaty of peace of seventeen hundred and eighty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause the boundary line between the United States and the adjacent British Provinces, from the source of the St. Croix river directly north to the highlands which divide the waters that fall into the Atlantic ocean from those which fall into the river St. Lawrence; thence, along said highlands, from the northwest angle of Nova Scotia, to the northwesternmost head of Connecticut river, as particularly defined in the treaty of peace concluded at Paris, the third day of September, seventeen hundred and eighty-three, to be accurately surveyed and marked, and suitable monuments to be erected thereon, at such points as may be deemed necessary and important.

Sec. 2. *And be it further enacted,* That, for the purposes aforesaid, the President be, and is hereby, authorized, if in his judgment it shall be necessary, in addition to the services of the corps of topographical engineers, to appoint, by and with the advice and consent of the Senate, one commissioner and one surveyor, who shall perform such duties, respectively, as may be assigned to them by the President; and who may employ such assistants, under the direction of the President, as shall be necessary; and who shall make an exact return of their proceedings to the President, together with a correct map of the country over which said line passes, exhibiting the prominent points of its topography, and the location of the marks and monuments by them made and erected.

Sec. 3. *And be it further enacted,* That the compensation of said commissioner and surveyor shall be respectively at the rate of ——— dollars per annum.

SPEECH.

Mr. EVANS said, he would assure the House and the honorable chairman of the Ways and Means, who had appealed to him for a further postponement of the consideration of this subject, that he had no desire whatever to obstruct, in the smallest degree, the progress of the appropriation bills, which had been referred to as of pressing necessity, nor to impede for a moment any other business of public importance. He was, indeed, reluctant to persevere in his purpose at the present time, against the wishes which had

been expressed by the member from New York. But the subject he was about to introduce was *itself* one of great public exigency, and of pressing and immediate importance; and he should be wanting in the discharge of duty to the State, whose humble representative he was, if he did not avail himself of this *first* and *only* opportunity which the present session had afforded, to press, with what ability he might, upon the prompt and early attention of the General Government, the just *rights* of that State which it was bound to secure and protect, and to remind it also of the *wrongs* that had been inflicted, which it was equally under obligation to redress. You will bear me witness, Mr. Speaker, (said Mr. E.,) that from the first day of the session until this hour, I have sought with the most sedulous care, an occasion to bring to the notice of the House, the important topics involved in the controversy respecting the northeastern boundary of the United States; and to claim, as I now claim, from the hands of Congress, some token—some manifestation—some movement, indicating its readiness to maintain the rights of the nation, no less than those of an individual member, and not an unworthy nor unimportant member, I trust, of this confederacy. If the present opportunity shall pass by, another may not soon, if ever, again occur; and the duty I have so anxiously waited to discharge, may be long postponed, if not entirely frustrated. I have, therefore, no alternative, but to seize the occasion now presented; and I am the more desirous to do it, because these interesting subjects have never undergone public discussion in either House of Congress, and have attracted much less of public attention than is justly due to their importance. I fear, indeed, they are very little understood, and less regarded, out of the limits of the States immediately interested. But, sir, a period has arrived, that does not admit of longer delay. Something must be done, and that soon. I propose to do it *now*, and the measure, I offer, is plain, intelligible, specific. It is, to run the boundary line of our northeastern frontier, in exact accordance with the description of it, in the treaty of 1783, and to establish such marks and monuments thereon, as shall designate with certainty and accuracy the precise extent of our limits. Is it not a proper and a desirable measure? More than a half century, since the organization of our national Government, has gone by, and the great duty of planting its standard upon its confines, of marking out to the eye of the world its exterior boundaries, to which its jurisdiction will be maintained, and within which aggression will not be tolerated, yet remains to be performed. The object I have in view is, to repair this long neglect—to do what the President, in his message, says “no nation should long suffer to remain in dispute,” to fix the line which separates our country from the possessions of another nation—to terminate a long-pending controversy, in whose adjustment no progress has been made for many years, nor can any be anticipated, unless by the adoption of some new, prompt, decided, movement on the part of the General Government, the slow proceedings of a foreign Power shall be quickened, and its groundless demands and lawless aggressions shall be effectually checked. All former efforts and expedients have failed; and we must now resort to some new and untried measure, for the establishment of our rights, or we may as well abandon them at once, to the rapacity of a nation, whose strongest argument, is, the heavy arm it can wield in maintenance of its usurpations. How far *such* an argument is to be yielded to, by *such* a nation as this, remains to be settled hereafter. For one, sir, I desire the General Government to move upon this matter, *in all its branches*. The President informs us, that the efforts of the Executive have hitherto been

"*abortive*"—entirely abortive. What, then, is more suitable than to bring the *legislative*, in aid and support of *executive*, action? This, I desire to do. I desire Great Britain to see and understand, that this is a subject of *national* concernment; and one which the *national councils* will take into their particular keeping. From indications like these, and from measures similar to that I propose, adopted firmly and promptly, persevered in steadily and resolutely, I cannot doubt a speedy and amicable adjustment of the subsisting controversy. But, sir, if this should not be the case—if, after the line shall have been run as required by the bill, Great Britain should still withhold its assent to it, and continue to assert its claims, and thus the *principal* object be defeated, I design by the proposed measure, the attainment of another and an important result, which itself would tend most strongly to the final settlement of the question; inasmuch as it would furnish motives which have hitherto been wanting on one side at least, to renewed exertions and a conciliatory disposition. And that is, to put an end *forthwith, as soon as practicable*, to an arrangement or agreement supposed to be subsisting, whereby the territory in dispute has passed from the possession and jurisdiction of Maine, where it rightfully belongs, to the possession and under the jurisdiction of British authority—an arrangement, which, as we believe, has operated strongly in procrastinating the negotiations between the Governments of Great Britain and the United States—which has been the foundation of new pretensions and fresh aggressions—which has exposed our territory to be plundered of its valuable productions, and has surrendered up our citizens to be arrested and imprisoned for obedience to our laws, at the pleasure of a foreign Power. By what authority, under what new constitutional interpretation, the national Government can withdraw its protection from our soil or our citizens—can give them up to foreign dominion, and permit them to be held amenable to foreign laws, yet remains to be shown. As between Maine and the General Government, the territory is *not* in dispute. The right of the former has been repeatedly recognised, and uniformly and strongly insisted upon. How, then, is it to be justified, that the constitutional duty of security and protection has not been performed? Of this arrangement, real or pretended, partial or total in its operation, temporary or permanent, whenever and however made, Maine complains loudly and earnestly. She was no party to it; she has uniformly protested against it; she has scarcely yet been informed even of its origin, its extent, or its duration; and she demands its immediate abrogation. If the measure I propose accomplish nothing else, I trust it will accomplish this; such, at the very least, I design to effect by it. It is a measure, sir, not my own, exclusively and individually: it comes from the Legislature of the State I represent. In offering it, I but obey the voice and conform to the will of that State, distinctly expressed in resolutions now upon your table. An urgent appeal has been made by its constituted authorities, and by all its representatives in both Houses of Congress, to the President, to cause to be done, that, which the bill authorizes him to do. I speak, therefore, in the name and by the direction of the State, and I trust this will secure to the object, respectful regard and consideration. Before proceeding farther, I desire also to put myself right in another respect. In the course of my remarks, it is highly probable, I shall find it necessary to speak somewhat in the language of complaint, of many proceedings of the General Government, as subversive of the rights of Maine, as prejudicial to its interests, as endangering them by unjust concessions, and also for permitting wrongs to be inflicted, without such redress as the occasion imperiously required. I have been too long an observer of,

and a participator in, public discussions, not to be aware that language like this, however just it may be, and however sincere the motives of him who uses it, is almost invariably ascribed to purposes of party or political hostility, and to designs unfriendly to the administration whose proceedings are subjects of remark and censure. All such motives and purposes, I beg leave on this occasion, to disclaim entirely. I shall speak only what I believe to be the language and the sentiments of the State itself, and of some of its public authorities, who, I am confident, are not liable to be charged with a desire unnecessarily to condemn any part of the conduct, of the late or the present administration. To a better understanding of my position in this respect, allow me to show what those sentiments really are, as stated by the late Governor in a letter to the President of the United States, dated July 28, 1838.

"By the Federal compact, the obligation of defending each State against foreign invasion, and of protecting it in the exercise of its jurisdictional rights up to its extreme line of boundary, is devolved upon the national Government. Permit me respectfully to inform the President that, in the opinion of the people of Maine, *the justice due to this State, in this respect, has not been rendered.*

"Let it not be suspected that the *discontents* which are moving strongly and deeply through the public mind, flow from any deficiency of attachment or practical adhesion to our national Government."

* * * * *

"It would be easy to prove that the territory of Maine extends to the highlands north of the St. John. But that point, having been not only admitted, but successfully demonstrated by the Federal Government, needs not now to be discussed. Candor, however, requires me to say that this conceded and undeniable position ill accords with the *proceedings in which the British authorities have for many years been indulged*, and by which the rightful jurisdiction of Maine has been subverted, her lands ravaged of their most valuable products, and her citizens dragged beyond the limits of the State, to undergo the sufferings and ignominies of a foreign jail. These outrages have been made known to the Federal Government; they have been the subject of repeated remonstrances by the State, and *these remonstrances seem as often to have been contemned.* It cannot be deemed irrelevant for me here to ask, amid all these various impositions, and while Maine has been vigorously employed in sustaining the Union, and in training her children to the same high standard of devotion to the political institutions of the country, *what relief has been brought to us by the Federal Government?* The invaders have not been expelled. The sovereignty and soil of the State are yet stained by the hostile machinations of resident emissaries of a foreign Government. The territory and the jurisdiction of six millions of acres, our title to which the Government of the United States has pronounced to be perfect, have, without the knowledge of Maine, been once put entirely at hazard. Grave discussions, treaty arrangements, and *sovereign arbitration*, have been resorted to, in which Maine was not permitted to speak, and they have resulted, not in removing the factitious pretensions, but in supplying new encouragements to the aggressors. Diplomatic ingenuity, the only foundation of the British claim, has been arrayed against the perfect right.

"In the mean time a stipulation made by the Executive of the nation, without the knowledge of Maine, *purported to preclude her from reclaiming her rightful jurisdiction* until the slow process of a negotiation should be brought to a close. Whatever the real force of that stipulation might be, made as it was without the concurrence of the two branches of the treaty-making power, it was hoped, when it expired by the closing up of that negotiation, that a measure fraught with such hurtful consequences to Maine would not again be attempted. But that hope was to be disappointed, and now, by a compact of similar character, *a writ of protection appears to have been spread by our own Government over the whole mass of British aggressions.* What, then, has the Federal Government done for this State? May it not be said, in the language of another, 'Maine has not been treated as she endeavored to deserve?'

The Governor then proceeds to remind the President of a communication made to him several months before, transmitting the resolves of the Legislature requesting the line to be run, and expressing the confidence which he had indulged, "that the application would meet with favor from the Federal Executive." He concludes:

"I will not attempt to conceal the *mortification I have realized*, that no reply has been made to that communication, nor any measures taken, so far as my information extends, for effecting the object proposed.

"It now remains that in the exercise of that faithfulness for which I stand solemnly pledged to the people of Maine, I should again commend to the attention of the national Executive this *apparently unwelcome* but really important subject.

"I have therefore the honor again to request that the President will cause the treaty line upon the northeastern limits of Maine to be run and marked, and I cannot but hope that, on a re-examination of the subject, your excellency will concur with this State in relation to the rightfulness and the necessity of the measure proposed, as well as to all the remedies to be adopted for restoring to Maine the invaluable rights from which she has so long been debarred."

Mr. Speaker, believing that these charges of the *late* Governor of Maine are well founded, I shall endeavor to make good the specifications and the proofs of them, and I trust it will be imputed to *neither* of us, that we are actuated by other, than high and patriotic motives, to promote the interests of our native State. "Discontents" are "moving strongly and deeply through the public mind," and they will increase, be assured of it, in strength and depth, until our territory be restored to us, our citizens released from unjust imprisonment, and adequate security be furnished against future aggression. If the subject have been treated as one "*apparently unwelcome*," it is to be regarded hereafter as one "*really important*," and I shall not cease to reiterate the question, "what, then, has the Federal Government done for this State?" until an answer, in some degree corresponding to its just demands, can be given.

To a proper understanding of the whole subject, a statement, as brief as can possibly be made, of the history of the contested line, seems to be essential. After which, a succinct relation of the proceedings of the two Governments in regard to it, and a statement of the present posture of the question, will show the grievances of which we complain, and the necessity of the measure I have proposed.

The treaty of peace of 1783, by which the independence of the United States was acknowledged by Great Britain, defined the boundaries agreed upon by the parties, as the limits of their respective possessions. The description commences with these words: "From the northwest angle of Nova Scotia." This is the starting point. It goes further, and defines what this angle is, and where it is to be found, viz: "*that angle* which is formed by a line drawn *due north* from the source of the St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river." The *easterly* part of the contested line is in these words: "East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source *directly north* to the aforesaid highlands which divide the rivers which flow into the Atlantic ocean from those which fall into the river St. Lawrence." The whole description is clear, perfect, and intelligible. Our right to the whole territory embraced within the limits thus defined is undeniable, and indeed is not denied even by Great Britain. The question then is, where, *upon the surface of the earth*, shall the line thus clearly and particularly described be laid down and marked? We think, upon that point, there is no hesitation, no doubt, no difficulty; that it can be readily, easily traced; that the starting point is and has been well known. On the other hand, Great Britain *now* contends, having, in a considerable degree, changed her pretensions within a few years, that the line of the treaty is impracticable, and cannot be found; that the description is imperfect; that there is no north-west angle of Nova Scotia, and no highlands conforming to the terms of the treaty, and, therefore, that nothing can be done but to establish *another*

boundary, by agreement of the two nations, having no reference to that supposed to have been fixed in 1783.

It may be well enough to inquire into the *origin* of the present doubts and difficulties; to note, how and when, and under what circumstances, they sprung up. It is not entirely correct to say, as the honorable chairman of the Foreign Affairs some days ago intimated, that this has been a matter of *controversy* fifty years. The *controversy* is of much more recent date. For a long period there was no doubt, so far as can be discovered, certainly no *dispute*, as to the location of the line. The *precise demarcation* of its whole extent could not of course be pointed out with entire accuracy but upon skilful survey. It might vary a little this way or that, to the right or to the left; but the great leading topographical features of the country were well known, and the line could be traced, and was traced, and made visible to the eye, on numerous maps, as well of British as of American authority. That it crossed the St. John, for instance, above the mouths of certain streams, and below others, which flowed into it, was apparent. That, passing *directly north*, it found the northwest angle of Nova Scotia upon the southern boundary of the waters flowing into the St. Lawrence, and thence winding around the sources of all those waters, and separating them from the rivers flowing southerly to the ocean, was equally evident. The northwest angle of Nova Scotia was not a point *then* for the first time assumed as an unknown or indefinite point, nor were the lines described in the treaty, for the *first* time drawn. Quebec and Nova Scotia had existed as distinct Provinces long before, and had definite boundaries assigned to them, respectively, and the treaty intended to describe, and did describe, with much precision, the western boundary of Nova Scotia and the southern boundary of Quebec, westward of northwest angle of Nova Scotia, as the northeastern limits of the United States. The southern line of the Province of Quebec is thus described in the act of Parliament of 1774:

"Bounded on the south by a line from the bay of Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea."

Numerous descriptions of the territorial limits of Nova Scotia, may also be found in acts of Parliament, royal proclamations, and other public documents, all agreeing in tenor, and generally identical in language; one of which only need be cited. It is from the commission of a Governor of that Province, and bears date of the same year of the treaty.

"Bounded on the westward by a line drawn from Cape Sable across the entrance of the bay of Fundy to the mouth of the river St. Croix; by the said river to its source, and by a line drawn *due north from thence to the southern boundary of our Province of Quebec*; to the northward by the said boundary as far as the western extremity of the bay of Chaleurs."

Can there be a doubt—can human ingenuity raise one, worthy of serious argument, where the northwest angle of Nova Scotia then was, and now is? The southern boundary of Quebec is and ever has been agreed and recognised. The source of the St. Croix is established, and the polar star still shines in the firmament. Can any thing be more susceptible of demonstration, than that a meridian line from the source of the St. Croix, *well known*, to the southern boundary of Quebec, *well known*, furnishes the northwest angle of Nova Scotia; and is it not, therefore, easily and readily to be found? But the pretensions now put forth by Great Britain, obliterate entirely this starting point of the treaty; nay, more, they change the long-settled boundaries of the Provinces. That consequence, to be sure, as a practical result,

may be nothing to us, and probably will never be really carried into effect ; but its manifest absurdity has much to do in the ascertainment of truth, and of the original understanding of this subject by Great Britain. If the positions now assumed be tenable, not only does the disputed territory *not* belong to Nova Scotia, or New Brunswick, as it is now called, but, together with a considerable portion of the long-acknowledged possessions of that Province itself, actually belongs to Quebec. Let a line be drawn from the bay of Chaleurs, across mountains and rivers, if need be, to Mars Hill, now asserted to be the highlands of the treaty, and thence, as claimed by Great Britain, to the northwesternmost head of Connecticut river, and that line must be the *southern* boundary of Quebec. All north of it, including the whole of the contested territory, and much more, belongs to that Province. It has never been claimed as such, however, and indeed could not be, consistently with the act of Parliament of 1774. The doctrines of Great Britain, therefore, are not maintained and carried out, by any practical application of them, to her own territories. The southern boundary of Quebec, the highlands dividing waters, and the northwest angle of Nova Scotia, for all *domestic* purposes, stand where they did in '83; for *other* and *foreign* objects, they are all undiscoverable, impracticable, uncertain. But, sir, to show the origin of this difficulty. A question was early made between the two nations, as to which was the true St. Croix intended by the treaty ; and probably that was a subject of fair and honest difference. Several rivers had borne that name, more or less generally, from the circumstance that the French, in the discovery and settlement of the country, were accustomed to erect the Holy Cross at the mouths of the streams they entered, as a proof of dominion and occupation. This question was finally settled by commissioners appointed agreeably to the provisions of the treaty of amity of 1794, about four years after its conclusion, on the 25th of October, 1798. No other question respecting the boundary then existed, and it would have been perfectly easy at that day, to have run the line agreeably to the treaty. Something was said between the Governments in 1803-'4, and in 1807, about running and marking the line ; but nothing of doubt, or uncertainty, or dispute, was thrown over it. On the contrary, the language employed, though not entirely conclusive, plainly implied that the line was "to run along the highlands bounding the southern waters of the St. Lawrence," as expressed to the British minister, without contradiction or explanation on his part. Thus the matter stood, until the treaty of Ghent was under negotiation in 1814 ; and a reference to the proceedings of the ministers by whom it was concluded, will show, beyond all controversy, that, even at so late a period as that, the claims now asserted by Great Britain with so much apparent confidence, and which she is invigorating and expanding with every year's delay, had no existence whatever : unless we can suppose she was anxious to obtain by grant, for an equivalent, what she already owned and possessed of right.

In the protocol of conference between the ministers of the two Governments, which took place the 8th of August, 1814, the subjects proposed for discussion between them, are stated by the British plenipotentiaries ; and among them is "a *revision* of the boundary line between the British and American territories, with a view to prevent future uncertainty and dispute."

Inasmuch as the northwestern boundary was also unsettled, and was indeed much less definite and distinct than the northeastern, the uncertainty and dispute herein intended to be guarded against, doubtless, had especial reference to that frontier. This will be the more apparent from what follows.

On the 19th of the same month, the American plenipotentiaries addressed

a letter to the Secretary of State, wherein they say, that the third subject stated by the British negotiators, was "a direct communication from Halifax and the Province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question, in what manner this was to be effected, we were told that it must be done by a *cession to Great Britain of that portion of the district of Maine, which intervenes between New Brunswick and Quebec, and prevents their direct communication.*"

A note of the same date, from the British to the American ministers, says, after treating of another subject: "If this can be adjusted, there will then remain for discussion the arrangement of the northwestern boundary between Lake Superior and the Mississippi, the free navigation of that river, and such a *variation of the line of frontier as may secure a direct communication between Quebec and Halifax.*" Let it be borne in mind by those who are not familiar with the geographical features of the country, that if the British claim is well founded, there was no necessity for a *variation of the line*, or a *cession of territory*, to secure the object so anxiously sought. The proposition, therefore, was a distinct admission of our title. The American plenipotentiaries declined to enter into any discussions upon that basis. They said, whatever might be the motives which induced the demand, their duty was plain. "They have no authority to cede any part of the territory of the United States, and to no stipulation to that effect will they subscribe." The British commissioners, in reply, "were not prepared to anticipate this objection," and professed to be at a loss to reconcile the previous admission of having authority to treat for a revision of the boundary lines, with the statement, "that they had no authority to cede any part, however insignificant, of the territories of the United States, although the proposal left it open for them to demand an equivalent for such cession, in territory or otherwise." The American commissioners, in explanation, say, that it was upon the subject of a revision of the boundary line, as stated in the protocol of conference first alluded to, *to prevent uncertainty and dispute*, that they had declared themselves to be provided with instructions; "a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory *where no uncertainty or dispute existed.*" And in regard to the territory desired on the northeastern frontier, they say: "*This subject not having been a matter of uncertainty or dispute*, the undersigned are not instructed upon it, and they can have no authority to cede any part of the State of Massachusetts, even for what the British Government might consider a fair equivalent."

Objection was made by the British plenipotentiaries to this distinction, upon the ground that the American ministers thereby assumed "an exclusive right at once to decide what is or is not a subject of uncertainty and dispute;" to which it was replied, that until it should be pointed out wherein the boundary in question "is such a subject, the undersigned may be permitted to assert that it is not;" and reasserting that "they were not authorized to treat on the subject of cession," yet, "they have not declined to discuss any matter of uncertainty or dispute which the British plenipotentiaries may point out to exist, respecting the boundaries in that or any other quarter."

None was pointed out, although so distinctly invited; but, in a note of the 8th October, the ministers on the part of Great Britain say: "The British Government never required that *all* that portion of Massachusetts intervening between the Provinces of New Brunswick and Quebec should be ceded to Great Britain, but only that small portion of *unsettled country*

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which interrupts the communication between Halifax and Quebec; there being much doubt whether it does not already belong to Great Britain."

Here we discover the origin of the northeastern boundary question—its first dawnings. The "*doubt*" so faintly suggested, was evidently put forth to meet this occasion; designed if possible, to escape from the limitations so distinctly laid down by the American plenipotentiaries, and to draw the subject within the scope of authorized discussion, as a matter of uncertainty and dispute. Wherein—to what extent—upon what grounds—the "*doubt*" was supposed to rest, was not explained, and indeed it was not persisted in as worth serious consideration. This review of the correspondence between the representatives of the two Governments, which resulted in the treaty of Ghent, must, I think, be entirely conclusive to show, that, at that period, no uncertainty, no dispute, no doubt, fairly existed, as to the true position of the boundary line described in the treaty of 1783. The whole tenor, the very language, indeed, of it, is utterly irreconcilable with such an idea. But although it was thus free from doubt, and was easily ascertainable, it had, in fact, never been traced upon the earth, nor marked out by visible monuments. To provide for this, was the object of the fifth article of the treaty of Ghent, agreeably to which, commissioners on the part of both nations were subsequently appointed, to ascertain the several points of description in the treaty and to "*cause the boundary aforesaid to be surveyed and marked, according to the said provisions.*" The commissioners, having been unable to agree in the performance of these duties, came to no conclusion, and made separate reports of their proceedings to their respective Governments. The nature and extent of the British claim, were here first discovered and made known to us, if not indeed first conceived by themselves. Proceeding due north from the source of the St. Croix, and at no great distance from it, the commissioners reached an eminence known by the name of Mars Hill, a single elevation, standing alone, unconnected with any continuous range of high country. It bears none of the characteristics of the "*highlands*" of the treaty. It is far *south* of the St. John, and of course could not divide the waters flowing into the St. Lawrence from those which fall into the ocean. It is not, and could not by possibility be, in the line of the southern boundary of Quebec, and consequently it could not be the *starting point*, viz: "*the northwest angle of Nova Scotia.*" Nevertheless it was claimed as such, and diverging thence almost due west, the British commissioner went in search of mountains and hills between the St. John and its tributaries, and the rivers falling into the ocean to the westward of it, and this he contended, was the line indicated by the treaty. This construction would give to Great Britain, not "*the small portion of unsettled country*" only, which she desired to procure by "*cession*" and for an "*equivalent*," but a large territory, embracing many inhabitants; much more even than the "*doubt*" was suggested to exist about. The American commissioner, on the other hand, contended, that the northwest angle of Nova Scotia was not to be found south of the St. John; that the due north line was to cross that river, and passing into the highlands that bound the southern waters of the St. Lawrence, to terminate there, as laid down on all the maps of the country, and as uniformly hitherto acknowledged. The pretence that the line was *not to cross the St. John*, was altogether new and unheard of before. Great Britain had, under the former commission, to establish the true St. Croix, expressly assumed the contrary; not merely admitting, but arguing and contending for it strongly. A few extracts from the argument of the British agent, used on that occasion, will show this clearly. His object was

o give to both nations, *as far as practicable*, the sources of all the rivers, whose mouths would fall within their territories, respectively. He says: "A line due north from the source of the western or main branch of the Schodiac or St. Croix, will fully secure this effect to the United States in every instance, and also to Great Britain in all instances, *except in that of the river St. John*, wherein it becomes impossible, by reason that the sources of this river are to the westward not only of the western boundary line of Nova Scotia, but of the sources of the Penobscot, and even of the Kennebec, *so that this north line must of necessity cross the St. John*; but it will cross it in a part of it almost at the foot of the highlands, and where it ceases to be navigable."

He pushes the argument at much length, and with many illustrations. In regard also to the boundaries of Nova Scotia, and its northwest angle, now asserted to be involved in so much doubt and uncertainty, he said:

"The Province of Nova Scotia at the time of the treaty in 1783, was, as has already appeared, bounded to the northward by the southern boundary of the Province of Quebec, which boundary was established by the royal proclamation of the 7th October, 1763, and confirmed by the act of Parliament" before referred to. Describing, then, the northern limit of Nova Scotia as it was in 1783, to be "*a line along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea*," he says, "*it unquestionably follows*, that the northwest angle of Nova Scotia at the time of the treaty of peace of 1783, was that angle which was formed by a line drawn due north from the source of the river St. Croix to those highlands." And then, comparing accurately this description with that contained in the treaty, he inquires, "Can it be said, *with any degree of propriety*, that the limits and boundaries of the Province of Nova Scotia were unknown at the time of the treaty of peace in 1783?"

Great Britain now asserts it, with what "*degree of propriety*," is another matter. He pushes the interrogative form of argument. "Can it be believed, or for a moment imagined?" "Can any man hesitate to say he is convinced?" "Will not this conviction become irresistible?" All these questions aimed to demonstrate that the boundaries of Nova Scotia were well known, and its northwest angle well known in 1783, and were adopted in, and made identical with, the boundaries defined in the treaty. These were British arguments, and were at the time successful. The western or main branch of the Schodiac was finally adopted, in the conviction, and under force of the argument, that a line due north from its source, *crossing the St. John*, would reach the northwest angle of Nova Scotia. But all this is to be now exploded. What was so plain in 1797 and '98, is now enveloped in thickest darkness. Arguments so powerful from British sources, have not the slightest weight from American mouths. The claim of Great Britain, it is apparent, grows out of the supposed necessities of her condition; the vast importance attached to a direct communication between her cis-Atlantic possessions; an object of growing value in her estimation, and which late events in the colonies tend largely to enhance. And this calls to my recollection, a sentiment expressed by the honorable chairman of the Foreign Affairs, upon another occasion, some days since, which I intended to have noticed at an earlier stage of these remarks. He said, that the present was not a suitable time, in his opinion, to press with much earnestness, for an adjustment of this controversy. The serious troubles in which Great Britain is involved with her colonies ought to dissuade us from seizing an opportunity, in which our motives would be so liable to be misun-

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derstood by the world. Having forborne so long, patiently, when Great Britain was in strength and tranquillity, it would be unworthy and unbecoming, to avail ourselves of her present emergency, for the attainment of our rights. Such, substantially, I understood to be the opinion of the honorable member.

Now, sir, the measure I propose is entirely free from the possibility of any such imputation, as is supposed may in some quarters be attached, even if under any circumstances it could be justly liable, to it. It has an earlier origin than the present session, and is of an older date than the Canadian revolt. It was urgently requested of the executive authority nearly a year ago. Congress, about the same time, made an appropriation for its accomplishment, for which, the honorable member himself, did us the favor to give his vote. That appropriation was approved by the President, though hitherto it has not been expended. It is therefore a measure, *demanded* by Maine, *authorized* by Congress, *sanctioned* by the President, at a time when Great Britain had all her strength at command to resist it. Now, sir, while I am quite ready to agree that we ought not to do any *more* in the present emergency than we would under other circumstances, I cannot consent that we should do any *less*. I know of no principle, which requires a postponement of our rights, merely because a long-tolerated aggressor is not quite so favorably situated as he has been, or may be hereafter, to withhold them from us. While, therefore, I would not use the present exigency to *hasten* our movements, I would not, on the other hand, permit it to *retard* and *procrastinate* them.

But, sir, to proceed. I have now stated the origin and the extent of the British claim, and the motives in which it originated; commencing at a comparatively recent period, in a desire to obtain by "cession" a small tract of unsettled country only; failing in this, it rested upon a feeble "doubt" whether it did not already belong to Great Britain; and not succeeding upon such suggestion to be drawn into discussion, it sprung forth in a full and absolute assertion of title, according to the terms of the treaty; a claim which can be maintained, only, by a falsification of all history of the transactions connected with it; of all the maps which represent it; of all public documents, royal proclamations, acts of Parliament, and commissions to Governors of the Provinces, running through a period of nearly a century, and of repeated and renewed acknowledgments of our title. Abandoning, however, as I have already said, the claim of full and clear title by treaty, as Great Britain has done, *new* pretensions are put forth, equally, if not in truth, much more destructive of our rights. It being perfectly easy to demonstrate to the unbiased judgment of mankind, that the line claimed by Great Britain is utterly indefensible upon the terms of the treaty, the new position assumed is, that the American claim is also incompatible with it; that the line is impracticable; not susceptible of being discovered, and *therefore*, that the parties are necessarily compelled to adopt another boundary by mutual agreement; and in the mean time, until such new frontier be *amicably* established, that Great Britain is to remain in exclusive possession of the whole disputed territory, by virtue of her original title to the entire country. The argument is: that prior to the acknowledgment of our independence, the territories, as well of the United States as of the Provinces, belonged to the Crown; that the treaty allotted and assigned to the nation thereby recognised, certain descriptive limits; that until these limits should be marked out, and the territories embraced within them should be separated and set apart, and definitely allotted to the new Government, the posses-

sion and jurisdiction remained with the original owner; and that Great Britain not having yet set apart the dominions *granted* by the treaty, nor severed them from her other dependencies, still rightfully retains possession, and exercises jurisdiction over the tract in dispute. It is not easy to explain, why Great Britain, upon such extraordinary assumptions as these, has been content to limit her claim to the territory actually in contest; inasmuch as if the pretensions are good to any extent whatever, it is hardly possible to prescribe the boundaries within which alone they shall operate. It is, nevertheless, upon such extravagant principles, that our State has lost the rightful possession of its property; that our people are harassed and subjected to punishment by foreign tribunals for obedience to *our* laws; that Great Britain is in the *unmolested enjoyment*, of all she ever desired to acquire by cession, with a declared resolution to maintain it, not until the old and true line of the treaty be discovered, but until a *new* and a *different* one be *amicably* concluded. What occasion, then, for the surprise I have often heard expressed, that Great Britain should undertake to march troops across the debatable land? She had often before marched, not peaceably, *across* it, but into and upon it, for the purpose of arresting American citizens, living under the protection of the American Government; and Mr. Forsyth understood the state of affairs quite well, when he regarded the circumstance referred to, as one so insignificant as not to require explanation. He seems tacitly to have acquiesced in the existing condition of things, and indeed there is too much reason for apprehension, that it has been long assented to. Maine complains, and justly complains, of this arrangement. She complains that her territory has been wrested from her and transferred to foreign jurisdiction; that extravagant and unfounded pretensions have been yielded to; that, in the language of the late Governor, "You," yes, "*you* have spread a writ of protection over the whole mass of British aggressions," and she demands its immediate withdrawal.

To a right understanding of the present position of the question in all its bearings, and of the reasonableness of our complaints, it will be necessary to resume and trace down the history of proceedings between the two Governments; and it will be seen how, step by step, year after year, gradually, and almost imperceptibly, the Government of the United States have yielded to fresh and unfounded pretensions, and have offered injurious concessions, until at last, we have, apparently, the only alternative of surrendering our rights entirely, or of asserting them in a manner that shall admit of no evasion.

The commissioners appointed agreeably to the provisions of the treaty of Ghent, having failed to accomplish the objects intended by it, and having made separate reports to their Governments, it was required by another article of the treaty that the subjects of difference should be submitted to the decision of an umpire, mutually selected by the parties. This was accordingly agreed upon in 1827, and the King of Holland, soon after, at the request of the two nations, consented to assume the duties of that office.

The *question of boundary*, thus, for a considerable period, passed out of the hands of the two Governments, and was indeed in no way a subject of discussion between *them*, but only of argument before the arbitrator, until the year 1832, when his decision was made known. Meanwhile, complaints began to be made, on both sides, of acts of occupation, possession, cutting timber, opening roads, &c., and of exercise of sovereignty and jurisdiction, such as service of civil process and military enrolments; which, being regarded as assertions of right, were, on both sides looked upon with jealousy. Border difficulties naturally grew up; and as it was wholly impossible to

foresee how long a period might elapse before the opinion of the umpire could be known, an understanding, or arrangement, was suggested and assented to, by which *neither* party, pending the arbitration, should exercise exclusive sovereignty; each was to practise forbearance and moderation, and restrain, so far as it could, its own citizens, from doing acts which could give occasion of complaint to the other. The Government of the United States did not assume the power of entering into a valid and definite agreement, by which Maine and Massachusetts should be debarred the exercise of their authority and jurisdiction, and from their rightful possession. It professed, only, to exercise its good offices in inculcating a spirit of moderation and forbearance, in the assurance that it would be reciprocated by Great Britain.

A few extracts from the correspondence between the Governments will show the nature and extent of this arrangement, in its incipency, and as we proceed will show also how it has been perverted and enlarged greatly to our injury.

On the 15th November, 1825, the British minister, Mr. Vaughan, addressed a letter to Mr. Clay, then Secretary of State, complaining of certain proceedings of the agents of Maine and Massachusetts on the disputed territory, and he used this language in regard to it:

"I am sure, however, that you will concur with me in opinion that, so long as the question of the boundary remains in the present undecided state, it will be the duty of our Governments to control, mutually, any conduct, on the part of their respective subjects, which is calculated to produce disunion and disagreement.

"I trust, therefore, that the conduct of the individuals which I have thought it my duty to bring before you, will meet with the disapprobation and discountenance of the Government of the United States."

Mr. Clay accordingly addressed the Governors of these States, severally, upon the subject, and communicated what he had done, to Mr. Vaughan, in this form: "And you will accordingly observe that I have, by the direction of the President, *inculcated a spirit of forbearance and moderation* on our side, which we hope will be hereafter practised on yours."

On the 16th January, 1827, Mr. Vaughan again addressed the Secretary, in regard to new transactions of the agents of the States; and alluding, first, to the former correspondence, says:

"An inquiry into the circumstances of the encroachments complained of took place, and a spirit of forbearance and moderation was inculcated by the directions of the President, which induced me to hope that I should not have occasion to recur again to a representation of a similar nature."

He proceeds:

"My former representation was met by you in so conciliatory a spirit, that I am encouraged to hope that the intervention of the Government of the United States will be effectually exerted to induce the Governments of the States of Maine and Massachusetts to abstain from measures which can be construed into a premature exercise of authority in a disputed territory, and which may lead to collision of a most disagreeable nature between the settlers in that territory."

Mr. Clay, in reply, said he should lose no time in communicating with the Governors of the States, "and requesting them, respectively, to continue, until the question is settled, to practise that system of forbearance and moderation, which, it appears to the President to be expedient for both Governments to observe."

In July, 1827, Mr. Gallatin, then minister of the United States at London, writes to the Secretary of State, "Mr. Canning also suggested the propriety of abstaining on both sides, pending the suit, from any act of sovereignty over the contested territory."

Mr. Clay, in September of the same year, in transmitting to Mr. Vaughan charges against the British authorities of aggressions and *exercise of sovereignty*, in imposing taxes, and military duty, upon citizens of the territory, says, "it is inconsistent with that *mutual forbearance*, which, it has been understood in the correspondence between us, would be inculcated and practised on both sides."

It is very manifest, that, at this period, the arrangement, though not formally drawn up, was quite clear and easily understood. The parties stood upon grounds of perfect equality. Each was to restrain its own citizens, but not to arrest and imprison those of the other party, for supposed offences. The remedy for alleged grievances, was, an appeal to the Government of the aggressors; requesting a disavowal of the acts, and efforts to prevent a repetition of them. But, having succeeded in inducing the States interested, at the instance of the General Government, and under assurances of similar forbearance by Great Britain, to forego, for the time, the exercise of their just rights, Great Britain deemed it suitable to put forth a new interpretation of the obligations on her side. The acts complained of in the last note of Mr. Clay, which were acts of *sovereignty* and *authority*, were at length distinctly avowed and justified, as well by the Lieutenant Governor of New Brunswick as by the British minister, upon the ground that the settlement of Madawaska, wherein they were committed, was a British possession, under British jurisdiction, and subject to *all* the laws prevailing in the Province of New Brunswick. The Lieutenant Governor, in a letter of October 4, 1827, says:

"This settlement I am bound to consider as a part of New Brunswick; and I can neither permit the actual possession to be disturbed, nor suspend the municipal laws of the Province from their ordinary operation over those parts."

"The long-established British settlements in the disputed territory must necessarily remain under the jurisdiction of this Government, or be abandoned to anarchy, in the absence of all rule, until a final decision can be made of the question of right under the treaty of Ghent. If, on the other side, attempts be now made to establish settlements and jurisdiction in the wilderness part of the territory, or to subvert the actual possession and jurisdiction of his Majesty in the parts long since settled, as measures expressly devised to meet, or countervail, in the pending negotiations, our actual possession of the settlement in question, by assumptions of jurisdiction, resistance to the municipal laws of this Province, and co-ordinate exercise of rule, then much disorder, outrage, and strife, must ensue. Such assumptions would, moreover, be a direct departure, on the part of the United States, from that course of mutual forbearance which has been here strictly observed."

The Government of New Brunswick did not stop with the mere *assertion* of right. It was put into strict and severe exercise; until at length one of the inhabitants of the territory, an American citizen, was arrested, indicted, tried, and convicted of seditious practices, and resistance to British authority. In communicating these transactions to the British minister, and stating the proofs, Mr. Clay, in letter of November 17, 1827, says:

"Such is the case made out by this testimony. I shall abstain, at this time, from particular comments upon it. The proceedings which it discloses being incompatible with the rights of the United States, at variance with that forbearance and moderation which it has been understood between us were to be mutually observed, and exhibiting the exercise of rigorous acts of authority within the disputed territory, which could only be justified by considering it as constituting an incontestable part of the British dominions, I have to request such explanation as the occasion calls for."

Mr. Vaughan replied on the 21st of the same month, justifying the exercise of authority, upon grounds already stated, and averring that the territory of Madawaska was an ancient British settlement.

"The sovereignty and jurisdiction over that territory have consequently remained with Great Britain, having been in the occupation and possession of the Crown previously to the conclusion of the treaty of seventeen hundred and eighty-three

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"The undefined, or rather unsettled claim of the United States to a portion of that territory, cannot furnish any pretext for an interference with, or an interruption of, the exercise of the jurisdiction within that territory by magistrates acting under British authority, on the part of the citizens of the United States who may choose to reside in those ancient settlements."

The fact so confidently asserted, that Madawaska was an ancient British possession, and the right of jurisdiction within the Territory, were both strongly and successfully controverted by Mr. Clay, in a letter of 20th February, 1828, a portion of which I must be allowed to read.

"The undersigned cannot agree with Mr. Vaughan in the conclusion to which he has brought himself, that the sovereignty and jurisdiction over the territory in dispute have remained with Great Britain, because the two Governments have been unable to reconcile the difference between them respecting the boundary. Nor can he assent to the proposition stated by him, that the occupation and possession of that territory was in the Crown of Great Britain prior to the conclusion of the treaty of 1783, if it were his intention to describe any other than a constructive possession. Prior to that epoch, the whole country now in contest was an uninhabited waste. Being, then, an undisputed part of the territory of the King of Great Britain, he had the constructive, and the right to the actual, possession. If, as the Government of the United States contends, the disputed territory is included within their limits, as defined in the provisional articles of peace between the United States and Great Britain, of November, 1782, and the definitive treaty which was concluded in September of the following year, the prior right of Great Britain became thereby transferred to the Government of the United States, and it drew after it the constructive possession of the disputed territory. The settlement on the Madawaska, the earliest that has been made within its limits, was an unauthorized intrusion on the property of the State of Massachusetts, to which the territory then belonged, by individuals, posterior to the treaty of 1783. That settlement of those individuals could not affect or impair, in any manner whatever, the right of the State of Massachusetts, or give any strength to the pretensions of the British Government. The settlers, in consequence, probably, of their remoteness, and their quiet and peaceable conduct, do not appear, for a long time, to have attracted the attention of either the State of Massachusetts or that of the adjoining British Province. It was not until the year 1790 that the Government of New Brunswick took upon itself to grant lands to the intruders. No knowledge of these grants is believed to have been obtained, until recently, by either the Government of Massachusetts or Maine, or that of the United States. The provincial Government had no color of authority to issue those grants for lands then lying within the State of Massachusetts. It cannot be admitted that they affected the rights of the United States, as acquired by the treaty of peace. If, in consequence of the Madawaska settlement, a possession *de facto* was obtained by the Government of New Brunswick, it must be regarded as a possession limited by the actual occupancy of the settlers, and not extending to the uninhabited portions of the adjoining waste."

Speaking of the seizure of Baker, already referred to, Mr. Clay said :

"Even if he had been guilty of any irregularity of conduct, he was not amenable to the provincial Government, but to his own. His arrest, therefore, on the disputed ground, and transportation from it to Frederickton, at a considerable distance from his family, and his confinement there in a loathsome jail, cannot be justified. It is a proceeding which seems to have been adopted without regard to the rights of the United States in the territory in question, and which assumes an exclusive jurisdiction on the part of the provincial Government. Nor is it compatible with that moderation and forbearance, which it has been understood between the two Governments should be mutually practised until the question of right between them was finally settled. I am charged, therefore, by the President, to demand the immediate liberation of John Baker, and a full indemnity for the injuries which he has suffered in the arrest and detention of his person."

"The undersigned must protest, in behalf of his Government, against any exercise of acts of exclusive jurisdiction by the British authority on the Madawaska, the Aroos took, or within any other part of the disputed territory, before the final settlement of that question : and he is directed to express the President's expectation that Mr. Vaughan will make such representations as will prevent, in future, any such jurisdiction from being exercised."

Mr. Vaughan, however, continued to reassert the principle, that "the sovereignty and jurisdiction of the disputed territory rests with Great Britain, until that portion of it designated in the treaty of 1783 shall have been finally set apart from the British possessions, as belonging to the United

States." What portion of "*the disputed territory*" he intended to admit was designated in the treaty as *belonging to the United States*, does not appear.

Another extract from Mr. Vaughan's letter: "All persons of whatever description, who take up their residence in the disputed territory, are within the British jurisdiction until the boundary line is adjusted, and owe a temporary allegiance to his Majesty so long as they remain under his protection." This renewed avowal, on the part of the British minister, called from Mr. Clay a long and decided reply and remonstrance, which he would have forborne, as he said, "but for certain opinions and principles advanced by Mr. Vaughan to which the undersigned cannot assent. And he feels it to be necessary, to guard against any misinterpretation from his silence, expressly to state his dissent from them."

I must crave the indulgence of liberal extracts from this letter also, which bears date 17th March, 1828:

"It would furnish a just occasion for serious regret, if, whilst the settlement of that question is in amicable progress, any misunderstanding should arise between the two Governments, in consequence of what must be regarded by the Government of the United States as the unwarranted exercise of a right of jurisdiction by the Government of the Province of New Brunswick within the disputed territory.

"The undersigned cannot concur in the opinion that the limits of the treaty of 1783 being undefined and unadjusted, the sovereignty and jurisdiction of the disputed territory rests with Great Britain until that portion of it designated in the treaty of 1783 shall have been finally set apart from the British possessions as belonging to the United States. Mr. Vaughan's argument assumes that some other act of setting apart the territories of the United States from those of Great Britain than the treaty of peace of 1783 was necessary; and that, until that other act should be performed, the United States could not be considered in possession. This argument would prove that the United States are not now lawfully in possession of any portion of the territory which they acquired by the war of their independence; the treaty of 1783 being the only act of separation in virtue of which they are in possession of their territory. If, at the conclusion of the treaty of 1783, Great Britain had had the actual, and not merely constructive, possession, and that actual possession had *all along* remained with her, Mr. Vaughan might have contended that the Government of Great Britain had a right to exercise a jurisdiction *de facto* over the disputed territory. But at that epoch neither party had the actual possession of the disputed territory, which was then an uninhabited waste. Which of the parties had the right of the possession, depended upon the limits of the treaty of 1783." * * *

"It follows, from the view now presented, that the undersigned cannot subscribe to the opinion that the jurisdiction of the British Government, through its provincial authority, over the disputed territory, has continued with Great Britain, notwithstanding the treaty of 1783. To maintain that opinion, Mr. Vaughan must make out either, first, that the terms of the treaty do exclude altogether the disputed territory, or that, if they include it, *actual* possession of the disputed territory was with Great Britain in 1783. Neither proposition can be established.

"Mr. Vaughan seems to think that some civil government is absolutely necessary within the disputed territory. If its utility be conceded in reference to the inhabitants, it would not be a necessary consequence that the Government of New Brunswick, and not the State of Maine, ought to exert the requisite civil authority."

"The undersigned finds himself as unable to agree that the misconduct of Mr. Baker, whatever it may have been, warranted the Government of New Brunswick in taking cognizance of his case, for the purpose of trying and punishing him by British laws, as he was unprepared to admit that the want of civil government, on the part of the inhabitants of the disputed territory, created a right in the Government of New Brunswick to supply, in that respect, their necessities. In assuming that Baker rendered himself amenable to the laws of New Brunswick, Mr. Vaughan decides the very question in controversy. He decides that the part of Maine in contest appertains to the Province of New Brunswick, and that the laws of New Brunswick can run into the State of Maine, as the limits of that State are understood to exist by the Government of the United States."

He concludes in these words:

"Judging from past experience, as well as the uncertainty of human affairs in general, we are far from being sure when a decision will take place. If, in the mean time, Great Britain were to be allowed quietly to possess herself of the disputed territory, and to ex-

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tend her sway over it, she would have no motive for co-operating in quickening the termination of the settlement of the question. Without imputing to her a disposition to procrastination, she would, in such a state of things, be in the substantial enjoyment of all the advantages of a decision of the controversy in her favor. *The President of the United States cannot consent to this unequal condition of the parties*: and the undersigned, in conclusion, is charged again to protest against the exercise of *all and every act of exclusive jurisdiction* on the part of the Government of the Province of New Brunswick, and to announce to Mr. Vaughan that that Government will be *responsible for all the consequences*, whatever they may be, to which any of those acts of jurisdiction may lead."

Now, sir, these were very distinct and very significant admonitions. The groundless assertions of fact, and the equally unfounded assumptions of right, on the part of the British Government, were both repelled in the strongest manner, and in clear view of the consequences which might ensue, if these assumptions were persisted in. The argument having been carried thus far on this side of the Atlantic, the American minister at the court of London was directed to renew it there, and full instructions were given him, from which, although the whole is in strong terms, a single sentence will suffice:

"The President hopes that the British Government, participating in the desire which he most anxiously feels to avoid all collision on account of a temporary occupation of the territory in contest, will *effectually interpose its authority to restrain* the Provincial Government from the exercise of any jurisdiction over it. *Such an interposition alone will supersede* those precautionary measures which this Government will otherwise feel itself constrained to adopt."

Accordingly, this subject underwent full discussion between Mr. Lawrence, then representing this Government at London, and the British ministry. He maintained the argument on our side with great zeal and ability. The same principles were avowed there, which Mr. Vaughan had asserted here, and they were repelled and refuted in the same manner. The most explicit and distinct admonition was given to the British Government, that, if it persevered in the exercise of sovereignty and jurisdiction, this Government would not hold itself responsible for the consequences to which it would lead. Such was the language and such the temper of the Government in 1828. The "precautionary measures" referred to, were also begun to be taken. A military road was constructed by the United States, from the settled parts of Maine, to the vicinity of the frontier, and a garrison established there. Another road was also projected, and authorized by a joint resolution of Congress, approved March 2, 1829, from Mars Hill, or some other suitable point, to the mouth of the Madawaska river, running directly over and upon the disputed territory; and Maine had reasons to believe that she was to be fully secured in her rights, and amply protected against foreign aggression. A crisis had arrived which was likely to test the firmness of our Government. Our rights had been asserted in a manner which admitted of no honorable abandonment. Such was the posture of affairs in March, 1829. What is their attitude *now*, after the lapse of nearly nine years? In what respect have they been improved or advanced? A new epoch had arrived. Other men succeeded to the administration of the Government, and upon them devolved the duty of maintaining the claims we had put forth, and of advocating the high and just principles upon which they were founded. The last and strenuous demand of our Government upon Great Britain, was, that she should redress the wrongs she had inflicted, and should cease at once from *all and every act of sovereignty and jurisdiction* in the contested territory. How has this solemn demand, so absolutely essential to our security and the attainment of our rights, been persisted in? How has the original under-

standing in regard to possession and jurisdiction been interpreted and construed? When the new administration came into power, the *main* question was still under arbitration; but the collateral or intermediate questions of possession and jurisdiction were at *direct* issue. How have they been disposed of? The earliest reference to this matter by the administration of General Jackson, is in a letter of 11th March, 1829, from the acting Secretary of State to the British minister, wherein he speaks of the disposition on our part "to enforce a strict observance of the understanding between the two Governments, that the citizens or subjects of neither shall exercise any acts of ownership in the disputed territory whilst the title to it remains unsettled."

And again, also, "of the just and confident expectation entertained by the President that the conciliatory understanding or arrangement between the two Governments of the United States and Great Britain, *already referred to*, should not be disturbed by the citizens of these two States."

This was well enough, so far as it went, but it was not the whole arrangement. It was the precise interpretation endeavored to be put upon it the preceding year by Lord Aberdeen, limiting it to *acts of individual ownership* by citizens or subjects, instead of extending to governmental authority and jurisdiction. This interpretation was then strongly repudiated by Mr. Lawrence.

Nor was this all. In reply to the remonstrance of Mr. Vaughan against certain proceedings, indicating an apparent intention of occupying Mars Hill and the extension of the military road, authorized by the resolution of Congress, Mr. Van Buren, then Secretary of State, while asserting our rights, and repelling the British claim, says:

"That although this Government could feel no difficulty in the exercise of what it deems an *unquestionable right*, and could not allow itself to be restrained by the protest of the Lieutenant Governor of New Brunswick, yet, as a *further proof of the spirit of amity, forbearance, and conciliation*, which the President is desirous of cultivating between the two Governments, he has decided to postpone, for the present, the exercise of the authority vested in him by the Congress of the United States, to cause to be surveyed and laid out a military road," &c. &c.

And subsequently adds his hope that Mr. Vaughan would perceive in this determination of the President, "an additional evidence of the desire which he sincerely entertains, and which he has heretofore caused to be communicated to Mr. Vaughan, that both Governments should, *as far as practicable*, abstain from all acts of authority over the territory in dispute, *which are not of immediate and indispensable necessity*, and which would serve to create or increase excitement whilst the matter is in course of arbitration."

Now, sir, this idea of abstaining "*as far as practicable*," as well as the ground of "*necessity*" for some civil government in the territory, which seem to be herein *admitted*, were the precise arguments used by Mr. Vaughan the year before, and which were then declared to be entirely inadmissible. The admission is a very dangerous one. The "*necessity*" for exercise of authority would, of course, in all cases, be judged of by Great Britain, or the provincial authorities alone; and if allowed at all, it could always be justified on this pretence. Such has, in fact, been the practical result.

In July, 1832, another admission of the British interpretation of the arrangement seems to have been made by our Government, and one which had also before been wholly objected to by Mr. Clay.

In a letter from Mr. Livingston, then Secretary of State, to Mr. Vaughan, of the 21st of that month, it is said:

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"Until this matter shall be brought to a final conclusion, the necessity of refraining, on both sides, from any exercise of jurisdiction *beyond the boundaries now actually possessed*, must be apparent, and will no doubt, be acquiesced in on the part of his Britannic Majesty's Provinces, as it will be by the United States."

The admission here is, that Great Britain had *some actual possessions*, and so far, she might *rightfully exercise jurisdiction*; whereas the doctrine of 1828 was, that she had *no possessions* except what she had lately usurped at Madawaska, and that neither *there nor elsewhere* should she be allowed to exercise any authority whatever. Taken together, this interpretation, at first view, would seem to be in some degree equal and impartial, inasmuch as it implied that *we* also had some possessions where *we* might exert authority. And yet coupled with the former pretensions of Great Britain, that she had always been in possession of the *whole territory*, because it had never been "set apart," Mr. Vaughan might very well say, in reply,

"That his Majesty's Government entirely concur with that of the United States in the principle of continuing to abstain, during the progress of the negotiation, *from extending the exercise of jurisdiction*, within the disputed territory, beyond the limits within which it has hitherto been usually exercised by the authorities of either party."

According to the assumptions of Great Britain, there was no necessity on her part, for "*extending*" jurisdiction. The arrangement bound *us* only; and accordingly, whenever we have put a foot upon the territory, it has been denounced as an *extension*, a violation of the understanding; but whatever they have done, is merely in virtue of an *ancient* possession; an *original* jurisdiction. This arrangement seems to have had an *earlier* date even than this; at least, it had been already brought to the test of practical application, as the former one had been, by the arrest of Baker in 1827; and to the proceedings I am about to mention, I confess I cannot look, but with feelings of the deepest regret and mortification. In 1831, the Legislature of Maine incorporated a town within the disputed territory, by the name of Madawaska, on the southern side of the St. John; embracing very little, if any part, indeed, of "*the ancient settlement*" wherein authority had been claimed and conceded on the ground of "*necessity*" or because it was within the bounds of *actual possession*.

The inhabitants of the territory thus incorporated, acting under the protection, as they supposed, of the laws of the State, and with the broad banner of the Union unfurled, as they believed, over their heads, undertook to organize the corporation by the choice of municipal officers. Their proceedings, however, were soon arrested by the Government of New Brunswick; several of them were seized and imprisoned, and others were driven from their homes and their property by military force. The Governor of the State communicated these transactions to the President. He informed him that the proceedings of the persons implicated "*were authorized by the constitution and laws of the State*," and appealed "to the General Government of the Union to adopt the necessary measures to procure the release of our citizens from imprisonment, and to *protect our State from foreign invasion*." Expressing great confidence in the action of the General Government, and a willingness to await the "*direction of the President*," he concluded: "In the mean time it will be my endeavor that this State may be prepared to exert the means within her power, which may be necessary for the protection of her territory and the security of her citizens." Such was the language and the spirit of the demand made by a sovereign State of the Union for its constitutional right of security and protection. And how was this demand met? By a stern *rebuke* for her *unauthorized proceedings*!

By an admission which Maine and the General Government itself had before repudiated: that Great Britain actually held the possession of the disputed ground, by assertion that an arrangement had been made, *binding on Maine*, of which these proceedings were a violation, and that Great Britain might, therefore, be justified in taking *into her own hands* the punishment for that violation. I will read extracts from Mr. Livingston's letter to the Governor, dated 21st October, 1821:

"And you will observe the extreme desire of the Executive to conform, *with scrupulous good faith*, to the arrangement made with the minister of Great Britain for *preserving the state of things as it then existed* on both sides, until a final disposition could be made of the question."

What *this* arrangement really was, and when entered into, nowhere appears. Mr. Livingston says, "*it was communicated to your excellency*," but in reply to this, the Governor says, "until your late letter, *no* notice of such an arrangement *was* communicated to me, and *no* copy of it can be found among the archives of this State." Mr. Livingston, however, proceeded: "*it was distinctly understood that no exertion of the State authority* in the parts of the disputed territory which were *actually held* by the British, should interfere with this agreement." I do not perceive that the Governor anywhere *repelled this assumption of power* on the part of the General Government, then for the first time avowed, to interfere with and check the exertion of State authority, and I regret he did not.

"The first extract from your letter which I communicated in mine to Mr. Bankhead, gave the President reason to believe, as I expressed myself, that the election meetings at Madawaska were *unauthorized*, as they were *clearly a breach* of the arrangement with the British minister." * * * "The call for his protection to the citizens of your State who have been arrested in consequence of those proceedings, and for repelling what *you* consider as an invasion of your State, *would have called for very different measures*, if the first departure from the understanding between the two Governments had not proceeded from the persons who have been arrested: and if the authority exercised recently by the Government of New Brunswick, had been in a settlement which, at the time of the arrangement was not *de facto* in the occupation of the British. As the case is, however, the President cannot consider the continuance of the occupation, by the officers, civil or military, of the British Province, as an invasion; but will take *all proper measures* to procure the release of the *ill-advised persons* who have been the cause of the disturbance."

Such was the language, sir, addressed to the State on that occasion.

The "*ill-advised persons* who had been the *cause* of the disturbance," happened to be the Governor himself, and the members of the Legislature; although they were, probably, not *directly* intended by the Secretary in this remark. Such was the *rebuke* Maine received for proceedings avowed to be "*authorized by the constitution and laws of the State*." No *demand* was made upon the British Government for the release of these citizens, nor for redress of the wrongs inflicted upon them; but, on the contrary, their acts were not only *disavowed by the General Government*, but it was insisted, to Great Britain, that they had also been disavowed by Maine herself. The authority, and the *sole authority* for this, was an expression in the letter of the Governor, which communicated the circumstances, in these words: "However *unexpected and regretted* by me are these transactions." Upon these words, "*unexpected and regretted*," the Secretary of State presumed to assure the charge d'affaires of his Britannic Majesty, that the elections complained of "*were made under color of a general law, which was not intended by either the executive or legislative authority of the State, to be executed in that settlement, and that the whole was the work of inconsiderate individuals*." Nay, further, "*the innovation on the existing state of things in the disputed territory being distinctly disavowed by the executive authority of the State,*

no act of authority or exercise of jurisdiction having followed the election"—Well, sir, what then? What farther humiliation? "I would *respectfully suggest*"—But sir, enough, I pass it over. Suffice it to say, that agreeably to the *respectful* suggestion, the "*prerogative*" "of mercy" was extended to them by his Majesty's Lieutenant Governor of New Brunswick; in other words, a pardon was granted to them; *pardon*, for the high crime of obedience to American laws. If anything were wanting to fill up the measure of our humiliation, the President, thereupon, instructed the Secretary of State "to express his satisfaction at the prompt manner in which *his suggestions have been complied with*; and to say, that he considers it as a proof of the disposition of his Britannic Majesty's officers to preserve the harmony that so happily subsists between the two Governments."

Here is a model for indignant demand, and resentment for violated rights! *Thanks*, for a gracious pardon to American citizens, for obedience to American laws, on American soil! How does this contrast with the case of Baker, arrested in 1827, acting upon his *own* responsibility, in obedience to *no law*? The language to Great Britain then was, "*whatever* his misconduct may have been," however *we* way disapprove it, he is not amenable to *your* laws. *You* cannot punish him. *You* must release him. *You* must cease the exercise of jurisdiction. But *now*, "forsooth, these are very inconsiderate individuals, whom we hope you will forgive!"

But, sir, I see, with profound regret, in the documents last communicated, evidence of a more startling character still of a surrender of the territory to British possession and authority; evidence for the first time disclosed, and which, I hazard little in saying, will be received in Maine with the liveliest surprise. Complaints of cutting timber, and other acts of ownership, have been, on various occasions, made upon both sides; and especially, in one instance, the proceedings of a person assuming to be a British officer, were the subject of remonstrance; in explanation of which, the Lieutenant Governor of the Province, in a letter to the British minister, dated January 20, 1834, says:

"Mr. Maclauchlan was appointed to the wardenship of the country, with the *knowledge and concurrence of the President*; and it is not conceived, therefore, that any fair ground of objection can be taken to his faithful performance of the duties of his office. But this Government never has admitted, and never can admit, the right of any agent from Maine or Massachusetts to exercise authority *within the conventional frontier* of the Province, while its proper limits remain a subject of negotiation."

This letter was communicated to the Secretary of State on 28th February following, by Mr. Vaughan, who makes use of the same form of expression, "the *conventional frontier* of the Province." It does not appear that any exception was taken by our Government, to the fact as stated, nor to the form of expression which was used. It may, therefore, be assumed as true, that a warden had been appointed by British authority, over the whole disputed territory, with the knowledge and concurrence of the President; that a "*conventional frontier*" had been established; a line of boundary definitely agreed upon, over which, neither Maine nor Massachusetts, nor their land agents, the *wardens* appointed by them, should be permitted to pass. The British minister might have been well justified in renewing his acknowledgments, expressed not long before, for "the readiness with which the President directed inquiries to be made, and the *desire which he has shown*, on this and *every similar occasion*, to prevent any encroachment on the disputed territory pending the settlement of the boundary now in progress between the two Governments."

What were the duties of this British warden, thus appointed, within the

"conventional frontier," thus established? Let him speak for himself. In a letter of 28th September, 1833, communicated to our Government on the 20th of the following month, he styles himself, "*the officer in charge of the territory in dispute*," and, as such, proceeds to complain of the proceedings of *the officers of the States of Maine and Massachusetts*, to whom they had committed the *charge of their interests in the territory*. He adds, farther:

"It is unnecessary, and probably might be considered improper, on my part, to animadvert on the conduct of these agents; but your excellency must be well aware of the trouble it occasions in the performance of my duty; and certainly there does appear something exceedingly inconsistent that the land agents of these States should attempt to counteract the wishes, nay, I may almost say, the instructions of both Governments, to an officer who has been appointed to prevent collisions between them."

The whole matter, then, is, that a British officer has been appointed, with the knowledge and concurrence of the President, to take charge of the territory, and in obedience to the wishes, nay, almost *instructions*, of both Governments, to prevent collisions between them, by arresting the States of Maine and Massachusetts in their operations, within a territory which this Government has always admitted and contended to be rightfully theirs; and which it has also uniformly acknowledged, it had no power to cede or surrender. I desire to be informed, whence the authority is derived, to cede for a single day, that does not equally permit a cession forever? If these things be so, I confess, I look upon it as a clear violation and surrender of our rights, *wholly unauthorized*. Nor do I perceive with what propriety *this Government* can complain to Great Britain, however justly Maine may do so, for any proceedings she may see fit to carry on, while the territory is thus within her admitted custody and charge.

These complaints of the warden of the territory were transmitted to the Governors of the two States, whose agents had so violated *the wishes and instructions* of both Governments; and I am sorry to find that it was left to Massachusetts alone, to remonstrate against this assumption of power on the part of the British warden, as well as against any acquiescence in it, on the part of the United States. The then respected and faithful Chief Magistrate of that State, now a distinguished member of this House, [Mr. LINCOLN,] held this language in reply to the Secretary of State:

"In the mean time, I cannot but earnestly protest against the *authority of any appointment on the behalf of his Majesty's Government which may be regarded as a claim to the executive protection of this property, or be deemed an acquiescence, on the part of the United States, in an interference, under color of a wardenship of the disputed territory, with the direction to its improvement which the Governments of Massachusetts and Maine respectively may see fit to give to their agents.*"

Protests and remonstrances! They were of no avail. The day had gone by when they were welcome. The property had passed away, for a time at least, and *forever* I fear, unless our Government now retrace its steps, rescind the disastrous arrangements of a conventional frontier, and assert our rights in a spirit becoming a nation to assume in such an emergency.

In this state of affairs, is it a matter of much surprise that another American citizen, protected also by the laws of the State, should have been arrested, *twice* arrested, by this same British warden, "*appointed with the knowledge and concurrence of the President*," "*to take charge of the territory*?" The circumstances of the case are contained in the documents upon your table. The acts charged upon him, as an offence against British laws, were performed or about to be performed upon the same territory, which was incorporated as a town in 1831. They were performed, also, under the same authority—the laws of Maine.

The interposition of the national Government has been earnestly invoked in his behalf; and a spirited demand for his release has been made by the American minister at her Majesty's court; I can hardly say in *obedience* to instructions, but rather in *consequence* of them, from the Secretary of State. I have said, a *spirited* demand. Sir, it is more. The minister has taken high and honorable ground. He places the demand on the old and solid, and only tenable foundation, of *right*, which at a former period was so zealously maintained by our Government. He uses language, which has not greeted our ears for ten years, long years, of submission. He cuts through at once, all the meshes and knots of "conventional frontier," "wardenship," and "ancient jurisdiction," which have been wound around the question, and free from their embarrassments, demands the restoration of our original rights. I honor him for his zeal and his firmness. I *conjure* him to maintain this high position. A ray of light breaks in upon us, and cheers our almost desponding hopes. Allow me, sir, to refer to some portions of his letters to Lord Palmerston, of 10th August and 8th November, upon this subject:

"The undersigned, moreover, does not presume that pending the negotiation, and whilst efforts are making for the peaceable and final adjustment of these delicate and exciting questions, her Majesty's Government can claim the right of *exclusive jurisdiction and sovereignty over the disputed territory, or the persons residing within its limits*. In such a claim of power on the part of Great Britain, or its provincial authorities, the undersigned need not repeat to Lord Palmerston, (what he is already fully apprized of,) *the Government of the United States can never consent to acquiesce*, in the existing state of the controversy. On the contrary, the mutual understanding which exists between the two Governments on the subject, and the moderation which both Governments have heretofore manifested, *forbid the exercise* by either of such high acts of sovereign power as that which has been exerted in the present case by the authorities of her Majesty's provincial Government."

"It becomes the duty of the undersigned, therefore, in pursuance of special instructions from his Government, to invite the early and favorable consideration of her Majesty's Government to the subject, and to demand, *as a matter of justice and right*, the immediate discharge of Mr. Greely from imprisonment, and a suitable indemnity for the wrongs he has sustained."

In regard to the second arrest, he takes occasion

"To repeat the assurances, heretofore given, that such proceeding can be regarded in no other light than a *violation of the rights and sovereignty of the United States*, and entirely *irreconcilable* with that mutual forbearance which it was understood would be practised by both Governments pending the negotiation."

"The circumstances under which these recent attempts to enforce jurisdiction have been made, show that, in the most favorable aspect in which they can be regarded, *they were wholly indefensible*."

"By what authority, then, the provincial Government of New Brunswick felt itself justified in exercising such acts of sovereign power, the undersigned is at a loss to conceive—*unless, indeed*, upon the ground that the jurisdiction and sovereignty over the disputed territory, pending the controversy, *rests exclusively with Great Britain*. If such should turn out to be the fact, it can hardly be necessary again to *repeat the assurances* which have been heretofore given, that, in any such claim of power, *the Government of the United States cannot acquiesce*."

"Upon the consequences which would unavoidably result from attempting to exercise such jurisdiction, it is needless to enlarge. It must now be apparent that all such attempts, *if persevered in*, can produce only feuds and collisions of the most painful character."

"It is under this view of the subject that the undersigned has been instructed again to remonstrate against these proceedings of the authorities of New Brunswick, *as a violation of the rights of Maine, in the person of her agent*; and to protest in the most solemn manner against the *future exercise* of all such acts of jurisdiction and sovereignty over the disputed territory, or the citizens of the United States residing within its limits, until a final adjustment of the controversy takes place."

"It cannot be expected, if the authorities of New Brunswick still *persevere in attempting* to exercise jurisdiction over the disputed territory, by the arrest and imprisonment in foreign jails of citizens of Maine, for performing *their duty under the laws of their own State*, and within what is believed to be her territorial limits, that measures of retaliation will not be resorted to by Maine, and great mischief ensue."

"Indeed, under existing circumstances, and in the nature of human connexions, it is not possible, should *such a course of violence be continued*, to avoid collisions of the most painful character, for which the Government of the United States cannot be responsible, but which both Governments would equally deplore.

"It was doubtless with a view of guarding against these consequences that the understanding took place that each Government should *abstain from exercising jurisdiction within the limits of the disputed territory*, pending the settlement of the main question.

"The undersigned cannot permit himself to doubt but that, upon a careful review of the whole subject, her Majesty's Government will see fit not only to *mark with its disapprobation this last proceeding* of her colonial Government, and direct the immediate liberation of Mr. Greely from imprisonment, with ample indemnity for the wrongs he may have sustained, but that it will see the propriety of giving suitable instructions to the authorities of New Brunswick to *abstain for the future*, from all acts of that character, which can have no other tendency than to increase the excitement and jealousies which already prevail, and retard the final and amicable adjustment of this painful controversy."

Mr. Speaker, this was once *familiar* language. It carries us back many years. Indemnity for the past, security for the future—abstain hereafter from *all* acts of jurisdiction—if persevered in, *we* are not responsible for consequences! I wait, sir, with some anxiety and some curiosity, for the farther development of these proceedings. I desire to see whether our Government will sustain its minister, in the honorable position he has taken; whether, in truth, we have at length the consolation to believe, that all the diplomatic arrangements, which "have spread a writ of protection over the whole mass of British aggressions," are about to be abrogated. I confess, I am not without apprehension on that subject. I do not perceive, in the papers emanating from the Department of State, the same zeal and spirit which actuated the minister. When the interposition of the President was first invoked by the Governor of Maine, it seemed to have been an "*unwelcome* subject." The circumstances were not regarded as sufficient "to warrant the interference of the Government, at present." Farther explanations were wanted, and "a full knowledge of all the facts illustrative of the case," "before any formal application for redress could properly be preferred." But let that pass. Instructions were finally given to our minister, to demand the release of the prisoner, and indemnity for his wrongs. He was discharged from imprisonment, by the provincial Government, before any answer had been returned by the British Government; and, in point of fact, I believe, before the demand had actually been made by Mr. Stevenson for his release. In what mode, therefore, and upon what grounds, he was then released, we have no knowledge. He was, however, soon after, arrested a second time, and the aid of the General Government was again solicited. In this instance, prompt instructions were given to the minister. The President, however, seemed to apprehend, that the acts for which Greely was arrested were a violation of the arrangement, in regard to the possession and jurisdiction of the territory; inasmuch as the larger portion of the Secretary's letter to the Governor, informing him of the measures he would adopt, was devoted to renewing and repeating an admonition to practise moderation and forbearance, and to *co-operate* with the Government in a *conciliatory course*; an admonition quite unnecessary at that time and in that connexion; but from an idea that Maine, in this instance, also, had been the aggressor, as in the former case of the incorporation of Madawaska, she had been explicitly declared to be.

Hence the instructions to Mr. Stevenson were, not to found his demand upon the great and substantial principle that Great Britain had no right of jurisdiction whatever, in any case, for any cause, and that such claim would not be acquiesced in; but upon the ground, that the acts complained of were innocent in their character, and could not fairly be considered a breach of the arrangement subsisting between the Governments. The language of the Secretary of State is:

"This arrest was made on a part of the territory in dispute between the United States and Great Britain, and *could only have been justified*, in the existing state of that controversy, *by some plain infringement* of the understanding which exists between the parties; that, until the settlement of the question of right, there shall be no extension of jurisdiction on either side within the disputed limits. It is not perceived how the simple enumeration of the inhabitants, about which Mr. Greely was employed, could be construed as a breach of that understanding."

It seems to me, that this is a pretty plain admission that, if his proceedings could be so regarded, his arrest was justifiable, and we have no cause of complaint. It surrenders the *strong ground*, which, however, the minister, notwithstanding, planted himself upon, for the *weaker one*. It is not the true ground; and, if I know any thing of the sentiments of Maine, it is not the foundation she will be content to rest it upon. The doctrine in 1828, in regard to the arrest of Baker, was, "*whatever his misconduct may have been*," Great Britain has no cognizance of his case; she shall not adjudicate upon his guilt or his innocence. It is the language now held by Mr. Stevenson; for, although he suggested the other view of the matter, it was faintly done, and not pressed nor relied upon. The principle apparently admitted by the Secretary is, in my judgment, not only untenable, but can be of no practical benefit or utility. Who is to determine whether any specific act is or is not a violation of the informal arrangement so often spoken of? Clearly, the tribunal which takes cognizance of the complaint. And if it decide, as it undoubtedly would, against the innocence of the transactions, what then? Are the proceedings to be justified? Is the citizen to be abandoned to his fate for having yielded obedience to our laws? Is Government to be silent? Is the demand for redress to be withdrawn? These are topics worth the consideration of those who conduct the affairs of Government, and I commend them to their attention. I wait to see the principles announced which they will, at this crisis, maintain. I wish to be informed how our Government will meet the answer we may reasonably expect to receive from Great Britain. There is, in my opinion, but *one* way to do it; and that is, to tell Great Britain, we have submitted to your exercise of authority long enough, in the hope of an early adjustment of the controversy. We submit no longer. We go back to the old position, from which we have been drawn out in a spirit of conciliation and forbearance. We abrogate *all arrangements and understandings*, which have been so perverted and abused. We take a new observation, and a new departure.

In 1829, the President of the United States, then Secretary of State, said, in a letter to the British minister, and said truly:

"More than twenty years ago, large tracts of land, lying westward of Mars Hill, and northward on the river Restook, were granted by the State of Massachusetts, *which tracts are held and possessed under those grants to this day*; and the United States and the States of Massachusetts and Maine, in succession, have never ceased to exercise that jurisdiction which the unsettled condition of the country in that region, and other circumstances, admitted and required."

I desire to know from him, what has become of those possessions, and that jurisdiction? Where are they? By what right have they been surrendered? *Wherefore* have they now passed away from us?

Such is the history tedious and uninteresting, I fear, of the proceedings, which have finally resulted, as Mr. Clay, in 1828, prophetically said they would result, in giving to Great Britain "the substantial enjoyment of all the advantages of a decision of the controversy in her favor;" a result, too, under the influence of which she has, as he also said, "she would have, no motive for co-operating in quickening the termination of the settlement of the question." At that time, and in view of this result, it was announced, "The

President of the United States *cannot consent to this unequal condition of the parties.*" Can it be consented to now? What has rendered it more tolerable than it was then? How long shall it be borne? I remarked, in the outset of these observations, that Maine had scarcely yet ever been informed of the nature and extent of the pretended arrangements, which have so seriously affected her interests. She has, in truth, been kept in the dark upon the subject. The Governor, as I have shown, in 1831, expressly denied that he had received any information in regard to it, or that any could be found in the archives of the State. Whenever it has been since alluded to, a form of expression is used, which can hardly be accidental, very different from that employed in the correspondence with Great Britain; an expression which gives little if any information to Maine of the precise extent of the obligation you have unwarrantably assumed to impose upon her. In October, 1831, Mr. Livingston says, to the Governor, the arrangement was "to preserve the state of things as it then existed, on both sides." *What state of things?* Maine was in possession, and was willing to preserve *that* state of things; but it is gone.

In August last Mr. Forsyth says:

"In speaking of the restrictions imposed upon Maine in reclaiming her rightful jurisdiction, your excellency doubtless refers to the understanding between the Federal Government and that of Great Britain, that each party *should abstain from the exercise of jurisdiction* over the disputed territory during the pendency of negotiation."

Is it so? So be it, then. "*Each party shall abstain from jurisdiction,*" is the language held to Maine. Why not hold the same to Great Britain? And yet, just before, the same Secretary said to the minister of that Government, that it was "the principle of continuing to abstain, during the progress of negotiation, from *any extension* of the exercise of jurisdiction within the disputed territory on either side; the propriety of which has been hitherto so sedulously inculcated and so distinctly acquiesced in by both parties."

The portions of correspondence I have already given, show very clearly how, as between Great Britain and the United States, the matter was understood. While Maine is told that *both* shall abstain from the *exercise*, Great Britain is told, she is only to abstain from the *extension* of the exercise; a matter, upon grounds assumed by her, she does not want at all. The practical result is, that Maine is *entirely debarred*, in the assurance that Great Britain shall be debarred also; and that Great Britain is in *entire possession*, in the assurance that Maine shall not encroach upon her. Such a state of things *cannot* last, and I propose a measure which will terminate it forthwith.

It may be said, however, that during the pendency of a negotiation between the two nations, to settle the question of boundary, a measure of this description ought not to be resorted to by either party, and that especially the executive control of the subject ought not in any way to be impeded or directed. A general impression, I am aware, prevails, that it is still a matter under negotiation; and if there were reasonable grounds of expectation that any advance was about to be made toward its adjustment, there might be some force in the objection. But we are assured that all the efforts of the Executive have been abortive; and I now propose to show that, in truth, the matter is not under negotiation at all; or if it be so, it is under *such* negotiation as cannot lead to any satisfactory result. Despatches, it is understood, have lately been received. Of their contents I have not the slightest means of knowledge; but I hazard little in the conjecture, that they will offer no proposition which can be acceded to, nor suggest any mode of proceeding promising useful results. They may possibly, even probably, con-

tain suggestions which, if acted upon, will consume some years more of fruitless efforts. Meanwhile, Great Britain, strengthening and maintaining her possession, and quieting her colonial dissensions, will, at last, express its deep regret on account of this long-protracted controversy, when amicable adjustment is so indispensable to the interests of both countries! We shall see, in due time, how far this may prove true. At present, without regarding the yet undisclosed information said to have been received, I proceed to examine the state of the negotiation, as it appears from the documents in our possession.

The opinion, or decision, if so it may be called, of the King of Holland was communicated by the President of the United States to the Senate, early in the year 1832, for the advice of that body. The proceedings which took place in regard to it, were made known by Mr. Livingston to Mr. Bankhead, July 21, 1832, in these words:

"The result of that application is a determination on the part of the Senate not to consider the decision of the King of the Netherlands as obligatory, and a refusal to advise and consent to its execution; but they have passed a resolution advising the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the boundary between the possessions of the United States and those of Great Britain, on the northeastern frontier of the United States, according to the treaty of peace of 1783. This resolution was adopted on the conviction felt by the Senate, that the sovereign arbiter had not decided the question submitted to him, or had decided it in a manner unauthorized by the submission."

The negotiation thus authorized, it will be perceived, was one for the ascertainment of the line, according to the terms of the treaty of 1783, and for no other line whatever. Such a negotiation, I am constrained to say, *has never been commenced*, notwithstanding the strenuous exertions of our Government to open it, plainly for the reason that Great Britain declines any farther attempt to trace *that* line, and insists upon the necessity of adopting a new one. This, our Government, having no authority to establish another boundary than that of the treaty, is obliged to decline, and the parties are therefore at a dead pause. A correspondence, more or less tardy, has been carried on between the two Governments from that day almost down to the present, but without approaching an adjustment. A brief notice of its progress, and of some of the principles assumed and conceded in it, is proper, inasmuch as regards these, Maine conceives she has just grounds of complaint.

The proposition to renew negotiations, as authorized by the Senate, was made by Mr. Livingston, in July, 1832; and on the 14th of April following Mr. Vaughan replied:

"His Majesty's Government regret that they cannot discover in this proposal any probable means of arriving at a settlement of this difficult question. It appears to his Majesty's Government to be *utterly hopeless* to attempt to find out, at this time of day, by means of a new negotiation, an assumed line of boundary, which successive negotiators, and which commissioners employed on the spot, have, during so many years, failed to discover."

"It is necessary that his Majesty's Government should be informed of the basis upon which it is proposed to negotiate, before they can either entertain the proposal, or decide upon the instructions which it may be necessary to give to the minister to whom the negotiation, when agreed to, may be intrusted."

Agreeably to these suggestions, Mr. Livingston proceeded promptly to develop the principles he was ready to commence fresh negotiations upon. One mode, which, however, did not meet much favor on either side, and was soon abandoned, was, "appointing a new commission, consisting of an equal number of commissioners, with an umpire selected by some friendly sovereign from among the most skilful men in Europe, to decide on all points in which

they disagree; or by a commission entirely composed of such men, so selected, to be attended in the survey and view of the country, by agents appointed by the parties."

Maine had formerly expressed dissatisfaction, in the strongest terms, because an umpire had been selected without her knowledge or consent, *although absolutely required by treaty*; and it does not appear that any attempt was made to procure her assent to this new umpirage. Another mode suggested was, to attempt to trace the line of the treaty by the adoption and application of a new principle in surveying, and that was, to discard from the description, the words "due north," "directly north;" if highlands could not be found in that direction, and to seek for them in some other course; a principle to obliterate the polar star, not only from the escutcheon of Maine, but to strike it from the great constellation of the heavens. This proposition contained an abandonment of the very starting point of the treaty, the northwest angle of Nova Scotia, and was subsequently used by Great Britain as an acknowledgment, on our part, that highlands, conformably to the treaty, did not exist in the due north course from the source of the St. Croix.

In reply, the British minister, on the 11th of May, said, that he was "convinced it is *hopeless* to expect a favorable result from a renewed negotiation," upon the basis of the treaty; and, in regard to the mode pointed out, "that he did not sufficiently comprehend it; that an oblique line might possibly be drawn to the *eastward* of a due north line, to highlands which there exist, and thus trench upon his Majesty's territories of New Brunswick." He requested further information as to the principle proposed. The Secretary of State answered accordingly, disclaiming all intention of diverging *eastward*, upon what ground of reciprocity it is not easy to perceive, and further illustrating and urging the adoption of the mode suggested, as one likely to lead to a speedy and satisfactory arrangement.

Mr. Vaughan, on 31st of May, 1833, again addressed the Secretary of State upon the subject; stating that he could not anticipate any favorable result from the adoption of the proposed mode.

"The proposition of Mr. Livingston *very justly* provides against any deviation eastward from the direct north line from the St. Croix; but the operation which it contemplates is still so restricted to the terms of the treaty, that the basis of it is the same as that which the undersigned has been instructed by his Government to inform the Government of the United States that it was *hopeless* to negotiate upon."

It would be tedious to read from the very long correspondence upon this preliminary matter, occupying a period of nearly four years. The views suggested by Mr. Livingston were subsequently strongly urged by Mr. McLane, during the year 1834, and by Mr. Forsyth in 1835, conveying at all times the strongest assurances of the conviction of the President, that the adoption of his plan would lead to a result *perfectly satisfactory* to both nations. Little regard was had to the interest or the satisfaction of Maine, in this proceeding. It was urged expressly as a mode of obviating the constitutional objection, by which the President could not, without the assent of Maine, agree to any other than the line of the treaty; and Great Britain was assured that, a line run in the mode proposed, though not "due north," would be *the line* of the treaty; to which he could agree, whether Maine was willing or unwilling. This assurance was more than once given, and an assurance, also, that highlands *could* be found, conformably to the treaty, "*freed from the restraints of a due north line.*"

Mr. McLane says to the British minister, March 11, 1834!

"Now, the proposition of the President is, to find the highlands answering the description of those called for by the treaty of 1783, and to them from the monument to run a direct line; and the President does not doubt that, with the aid of more accurate surveys by skillful persons on the ground, and freed from the restraint hitherto imposed by a due north line, such highlands may be found; and which either the commissioners or the arbiter might have found, had they adopted the rule now proposed."

Here seems to be a very distinct admission, nay, almost a *promise*, that highlands could be or should be found *elsewhere* than "directly north." Maine contends that, it is beyond controversy, that they exist in exact conformity to the treaty in that precise direction, and that the northwest angle of Nova Scotia is and can be nowhere else; she does not admit any right, anywhere, to surrender this strong position.

It has always been a matter of much surprise to me, that Great Britain did not accede to this proposal; inasmuch as, in the *spirit of conciliation* it was conceived, the assurances with which it was pressed, and the manner it would have probably been executed, there can be little doubt of the result to which it would have conducted. The proposition, however, did not seem to meet with much favor, in the judgment of the British cabinet. They did not think that it avoided the constitutional objection. Mr. Vaughan said, February 10, 1834, that a line *thus* drawn, would not be *the* line of the treaty, and therefore would be liable to the same objection.

"The State of Maine might object to any deviation from the line of the treaty in a westerly direction, as justly as it could to any deviation from that line in a southerly direction. Nay, it might object with *more appearance of reason* to a westerly departure from a *real meridian*, which is *distinctly specified* in the treaty, than to a departure southward from an imaginary line, which is only described in the treaty, and the finding of which is a thing that has not yet been accomplished."

The same sentiment he expressed on other occasions; and, amid all the numerous aggressions of Great Britain upon the rights of Maine, it is gratifying to discover *one* instance wherein she conceded and recognised them, notwithstanding our own Government was so ready to abandon them.

The final answer of the British Government to the overture for a negotiation, was dated December 8, 1834, wherein, after stating that the rule of discarding a meridian line, distinctly named, and of adopting natural boundaries, when both do not coincide, was not so well established as our Government supposed it to be, and reminding it that, on a former occasion, in regard to a *due west* line from the Lake of the Woods to the Mississippi, directly the opposite rule was contended for and admitted; it proceeds:

"Nevertheless, if the President of the United States is persuaded that, notwithstanding any opposition on the part of Maine, he can carry through, on this occasion, the practical application of the principle of surveying which he has proposed, and if, as Mr. McLane alleges, no hope remains of overcoming the constitutional difficulty in any other way, at least until this new proposition shall have been tried and found unavailing, his Majesty's Government are ready to forego their own doubts on this head, and to acquiesce in the proceeding proposed by the President of the United States, if that proceeding can be carried into effect in a manner not otherwise objectionable."

"Overcoming the constitutional difficulty" seems to have been the motive of the proceeding suggested; and there was no other mode to do it, to rob Maine of its rights, but a resort to this new principle of surveying.

The British minister proceeded to explain what he meant, by the expression "carried into effect in a manner not otherwise objectionable;" and it was simply that the "highlands" named in the treaty should be sought for *south* of the St. John, and in no event *north* of it. Failing of an agreement in that precise form, it was then requested to admit, on our side, that the St. John was not a river flowing into the Atlantic ocean, because its mouth was

in the bay of Fundy, a part of the Atlantic ocean; the consequence of which would have been, that the line of boundary would not be required to pass *northward* of the source of that river—in short, an admission that would inevitably have given the larger portion, if not the whole, of the disputed territory to Great Britain. Much correspondence followed, in regard to these conditions; our Government all along very justly refusing to yield these points, and Great Britain persisting that she would enter into no new negotiations to ascertain the treaty line, but upon these terms. She was willing to negotiate, and go through certain formal proceedings, provided it should be agreed *beforehand*, what the conclusion should be. At length, Mr. Forsyth, with a decision and apparent determination which I wish had been earlier taken, and more frequently exhibited, replies to the British minister, in this way:

‘Can his Majesty’s Government expect the Government of the United States to consent, before the selection of commissioners of examination and survey, and the appointment of an umpire to decide on the contingency of their disagreement, that the terminating point of the line running due north from the source of the St. Croix is to be alone looked for on highlands which cannot be reached from the westernmost bend of the bay des Chaleurs but by running directly across high mountains, deep valleys, and the large rivers that flow through them? Agreement between the United States and Great Britain on this point is impossible, while his Majesty’s Government continues to maintain this position.’

This was in February, 1836; and thus closed the attempts which had been made under the resolution of the Senate of July, 1832. The *preliminaries* even of such a negotiation were never adjusted and agreed upon, and it has never been commenced.

The history of the whole proceeding may be found, summarily stated, in several executive messages communicated at the commencement of each successive session of Congress.

In 1832, the message says, that agreeably to the resolution of the Senate, “to open a further negotiation, *the proposition* was immediately made to the British Government;” but circumstances, which had been previously alluded to, had prevented “any answer being given to the *overture*.” The message of the following year, (1833,) says, speaking of the same proposition: “though no definitive answer has been received, it may be daily looked for, and I entertain the hope *that the overture* may ultimately lead to a satisfactory adjustment of this important matter.” Another year rolled by, and in 1834 we were told by the President, “the question of the northeastern boundary is still pending with Great Britain; and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783 *has not been accepted*.” In other words, Great Britain had not agreed to enter upon new negotiations. But the President proceeds: “Believing that every disposition is felt *on both sides* to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is *yet* indulged that it may be effected on the basis of that proposition.”

From an examination of the correspondence between the two Governments, as it stood at that period, I confess, sir, that I am wholly unable to discover any grounds for the *belief*, or the *hope*, which the President then entertained. It sufficed, however, to satisfy Maine, that exertions were not wanting on the part of the national Government to secure its interests; and, so far, it accomplished its purposes.

At the next session of Congress, in December, 1835, the message announces, that “in the settlement of the question of the northeastern boundary, *little progress has been made*. Great Britain has *declined* to accede to the proposition presented in accordance with the resolution of the Senate, unless

certain preliminary conditions were admitted which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from Great Britain, *which has been invited*, I can only repeat the expression of my confidence, that with the strong mutual disposition which I believe exists to make a just arrangement, this perplexing question *can* be settled with a due regard to the *well-founded* pretensions and pacific policy of *all the parties to it*."

At this period, therefore, it is apparent that Great Britain had refused to open new negotiations, except upon inadmissible preliminary conditions; yet, the President had *invited* an offer or a proposal for an adjustment, which he believed could be made with due regard to the "*well-founded pretensions*" of all parties. What is intended to be implied by the "*well-founded pretensions*" of Maine, I am at some loss to understand, as I also am to discover any grounds then existing for the "confidence" entertained by the President. A year afterwards (1836) we had the *satisfaction* to be informed, that the President had "*an undiminished confidence* in the *sincere* desire of his Britannic Majesty's Government to adjust that question;" but that he was "*not yet* in possession of the *precise grounds* upon which it proposes a satisfactory adjustment." "Confidence," it is somewhere said, "is a plant of very slow growth;" and it may hereafter be added, is of very strong and enduring constitution. But notwithstanding all these assurances of confidence, we are now informed, by the message of 1837, "that we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783." Such is the end of the matter. To this conclusion we have come at last, and we are now to consider what step we will next take.

Great Britain has repeatedly expressed a readiness to enter upon negotiations for the establishment of a *new* line, and on one occasion made a distinct proposition to divide the disputed territory about equally between the parties. This was, of course, declined, for want of authority on the part of our Government to dismember one of the States of the Union. A proposition was also made to the British Government, by direction of the late President, so long ago as the month of February, 1836, to which we are informed in the last annual message "no answer has as yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply, I am *confident*, cannot much longer be delayed." *Confidence* still. How much longer is it to be waited for?

But, sir, if we look to the proposition itself, and the manner it was made, we shall discover, I think, some reasons why it has not yet been answered; or, rather, we shall see whether in point of fact it has not been so far *rejected*, as not to have authorized acquiescence in so long delay. It was made on the 29th of February, 1836. in these words:

"The President will, if his Majesty's Government consents to it, apply to the State of Maine for its assent to make the river St. John, from its source to its mouth, the boundary between Maine and his Britannic Majesty's dominions in that part of North America."

It was, therefore, not an unqualified proposition of boundary, which, if accepted, would have been obligatory on the United States. Maine was still to be consulted. It carried on its face, that the General Government had not of itself authority to enter into such an arrangement. Great Britain was probably a little surprised to receive such a proposition after several admissions she had given, that *preliminary* to any further proceedings between the two nations, the Government of the United States must be clothed with the power of carrying into execution any arrangement which should be concluded

between them. So long ago as April, 1833, Mr. Vaughan, in allusion to the subject, said to the Secretary of State :

"And it is *specially essential* that his Majesty should be *previously assured* that the President of the United States will possess the power of carrying into full effect his part of any engagement which may be concluded between the plenipotentiaries of the two Governments."

And again, in February, 1834, the same minister says, that his Majesty's Government claim, among other things,

"As a *preliminary* to any attempt (in which his Majesty's Government would gladly concur) to settle the remaining point by negotiation, they ought to be satisfied that the Government with which they will have to treat is possessed of the powers necessary for carrying into effect any arrangement upon which the two parties might agree."

In May, 1835, also :

"As to any proposition which it may be the wish of the Government of the United States to receive from his Majesty's Government, respecting a conventional substitute for the line of the treaty of 1783, the constant allusion in the correspondence which has taken place to constitutional difficulties in the way of the Executive treating for any other line than one conformable with that of the treaty, until the consent of the State of Maine is obtained, *seems to point out the necessity, in the first instance, of obtaining that object, which must be undertaken, exclusively, by the General Government of the United States.*"

And yet, in the face of these repeated admonitions, the offer was eventually made in terms plainly implying a want of authority, and, of course, reserving to the United States liberty to retract it, if Maine should refuse its assent. Was it reasonable to expect an answer to such a proposition so made? Possibly, however, this is not the ground of the delay. It may be that Great Britain thinks the proposition was sufficiently rejected at the moment it was offered. Four days afterwards, Mr. Bankhead replied in these terms :

"The undersigned considers it due to the *conciliatory manner* in which the President has acted throughout this discussion, to state, frankly and clearly, that the proposition offered in Mr. Forsyth's note, to make the river St. John, from its source to its mouth, the boundary between the United States and his Majesty's Province of New Brunswick, is one to which the British Government, he is convinced, *will never agree*; and he abstained, in his note of the 28th of December, from any allusion to it, as the best proof he could give of *its utter inadmissibility.*"

Now, sir, to a proposition which we were *previously* admonished could not be entertained, and which we were so distinctly informed at the time was *utterly inadmissible*; we have waited *two whole years* for an answer. Wait yet longer, if you please, but only to receive the answer at last that it was *rejected when offered—rejected even before offered.*

Mr. Speaker, this subject in all its bearings is one interesting and important to the whole Union. It is not a matter of light interest, where the line which separates it from a foreign Power—a rival now, and hereafter, possibly, as heretofore, an enemy—should be fixed. We have seen with what tenacity Great Britain clings to the object of obtaining a "*small portion of waste country,*" only as a means of communication between the Provinces—doubtless a measure to her of great importance and strength; and just in the same proportion, a measure to us, if yielded to, of insecurity and weakness. Already has that far-seeing nation projected an immediate and direct communication between Halifax and Quebec, by means of a railroad across the disputed territory. Should this be completed, the great capital of British North America, the impregnable Plains of Abraham—now excluded from communication by water with the mother country for half the year, will become almost literally an open winter port.

Men and munitions of war, of every description, will then be transported

with the greatest despatch and facility, along the whole frontier, and at all seasons of the year. The men, who to-day, man their fleets and fight their battles, on the broad bosom of the ocean, will, to-morrow, pour out their heavy thunders on the inland seas, and light up the lines of battle along the borders of the far West. Military posts will spring up, and environ the entire line of boundary. Is it not, then, readily perceived, that this is a subject deeply important to the whole country? The West may be assured that it has a great stake, quite as great as has the East, in its proper adjustment. In any form it may finally be settled, Maine will always be an exposed frontier; but the degree of exposure the western borders of the country will be subject to, is immensely enhanced by surrendering now to the British claim. Let gentlemen from that quarter see to it in season.

Great Britain, in various ways, has intimated her resolution to hold the territory, at all hazards; and is constantly pushing forward her settlements, and strengthening her positions. Not long ago, the Lieutenant Governor of New Brunswick informed the Executive of Maine, that the whole military power of British North America, was at his command, and, if occasion required, would be exerted, to maintain the possession of the contested territory. The same sort of spirit is manifested in other forms. Measures are resorted to, for the purpose of infusing into the public mind, in England, a belief of the gross injustice of our claim. This morning only, in the library, I accidentally took up the last number of the *United Service Journal*, a work of considerable reputation, published in London, in which I observed a letter, written by some person probably of the British army, from the very heart of the territory itself. I beg leave to read a few lines of it, to show the feeling which is encouraged, and the intimidation practised, to deprive our State of its just and incontrovertible rights. It purports to have been written at Madawaska, and, in describing it, he says:

"The settlement is within the disputed territory—within that portion of it, indeed, which was awarded to the United States in the King of Holland's decision; and the poor people have, in consequence, been for years past kept in a constant state of agitation and alarm, by the intrigues of the United States, whose emissaries are constantly among them, practising upon their fears and their credulity; and to such length has this system been carried, that members have been even chosen to represent the fief in the Legislature of Maine, and the two countries brought, in consequence, to the very verge of collision.

"The notorious bad faith of the neighboring States, in this conflicting question, cannot be too strongly reprobated; for, while disclaiming on the one hand, the justice of the arbitrator's award, and boldly avowing their determination to accept of no compromise or arrangement short of the cession of the whole territory, no act or effort has been spared to shake the allegiance of these well-disposed but ignorant people; and I am well persuaded—for it is useless to blink the question—that, unless Great Britain should decide on abandoning rights which she has so long maintained, she must be prepared to submit them, ultimately, to a more powerful and decided arbitration than we have yet appealed to, *the arbitration of the sword*."

After farther description of the features of the country, he says, of the river Madawaska, "in the absence of any road, it may be called the highway to Quebec. Shame, shame! that a country, such as England, should have no better communication between her American colonies."

Our whole policy is pacific and conciliatory. A rupture between the nations, for any cause, is, doubtless, much to be deprecated. Aware of our cherish-

ed sentiments upon this subject, Great Britain presumes to hold the language of menace, for what purposes it is not difficult to understand. Means are taken to impress public opinion there, strongly, not only of the justice of her claim, but of the vast importance of maintaining it, as a measure of strength and security to the colonies. And what, meantime, is our own Government doing, for the maintenance of our rights, our security, our protection? Is it not time to move efficiently? Shall we gain anything by farther delay? Maine is watching our proceedings with great anxiety. The eyes of all its people are directed towards us. If the State is to be abandoned to its own resources, it does not become me to say what measure it will adopt; but I do say, it desires to be informed *now*, of your ultimate determination; for, upon that, its own course will largely depend. I commend this subject, therefore, earnestly, to the prompt consideration of this House, and of the General Government; and I invoke for the State I represent, that protection which the constitution of the country renders it your duty to afford.

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